

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Don Eadie et al.

Art Unit: 3657

Application Number: 10/581,268

Examiner: S. M. Aung

Filed: April 9, 2007

Confirmation Number: 3139

For: METHOD AND APPARATUS FOR APPLYING
LIQUID COMPOSITIONS IN RAIL SYSTEMS

Attorney Docket Number: 042530A

Customer Number: 38834

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 21, 2011

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of any of a Final Office Action, a Notice of Allowance (37 CFR 1.97(c)) or an action that otherwise closes prosecution in the application.

I hereby certify, pursuant to 37 CFR 1.97(c)(1), that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Statement of Relevance

The cited European grant demonstrates that the EPO also considered the claims, that are equivalent to those of the US parent (i.e. the re-issued claims of the reissue application of the parent USP 7,357,427), allowable as well.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2866, under Order No. 042530A.

Respectfully submitted,

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